



Rep. Renée Kosel

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LRB097 08938 ASK 53819 a

1 AMENDMENT TO HOUSE BILL 2831

2 AMENDMENT NO. _____. Amend House Bill 2831 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Sections 2-107, 8-306, and 9-223 as follows:

6 (220 ILCS 5/2-107) (from Ch. 111 2/3, par. 2-107)

7 Sec. 2-107. The office of the Commission shall be in
8 Springfield, but the Commission may, with the approval of the
9 Governor, establish and maintain branch offices at places other
10 than the seat of government. Such office shall be open for
11 business between the hours of 8:30 a.m. and 5:00 p.m.
12 throughout the year, and one or more responsible persons to be
13 designated by the executive director shall be on duty at all
14 times in immediate charge thereof.

15 The Commission shall hold stated meetings at least once a
16 month and may hold such special meetings as it may deem

1 necessary at any place within the State. At each regular and
2 special meeting that is open to the public, members of the
3 public shall be afforded time, subject to reasonable
4 constraints, to make comments to or to ask questions of the
5 Commission.

6 The Commission shall provide a website ~~web site~~ and a
7 toll-free telephone number to accept comments from Illinois
8 residents regarding any matter under the auspices of the
9 Commission or before the Commission. The comments received
10 through the toll-free telephone number shall be transcribed and
11 placed on the Commission's electronic docketing system for
12 review by all parties, and the Commission shall notify all of
13 the parties of the transcript's availability. Both the
14 transcript of the telephone comments and all comments received
15 directly on the website shall become part of the record for
16 decision. The comments and suggestions received through both
17 venues shall be reported by the Commission staff ~~shall report,~~
18 ~~in a manner established by the Commission that is consistent~~
19 ~~with the Commission's rules regarding ex parte communications,~~
20 to the full Commission and reviewed by the full Commission
21 ~~comments and suggestions received through both venues~~ before
22 all relevant votes of the Commission.

23 The Commission may, for the authentication of its records,
24 process and proceedings, adopt, keep and use a common seal, of
25 which seal judicial notice shall be taken in all courts of this
26 State; and any process, notice, order or other paper which the

1 Commission may be authorized by law to issue shall be deemed
2 sufficient if signed and certified by the Chairman of the
3 Commission or his or her designee, either by hand or by
4 facsimile, and with such seal attached; and all acts, orders,
5 proceedings, rules, entries, minutes, schedules and records of
6 the Commission, and all reports and documents filed with the
7 Commission, may be proved in any court of this State by a copy
8 thereof, certified to by the Chairman of the Commission, with
9 the seal of the Commission attached.

10 Notwithstanding any other provision of this Section, the
11 Commission's established procedures for accepting testimony
12 from Illinois residents on matters pending before the
13 Commission shall be consistent with the Commission's rules
14 regarding ex parte communications and due process.

15 (Source: P.A. 95-127, eff. 8-13-07.)

16 (220 ILCS 5/8-306)

17 Sec. 8-306. Special provisions relating to water and sewer
18 utilities.

19 (a) No later than 120 days after the effective date of this
20 amendatory Act of the 94th General Assembly, the Commission
21 shall prepare, make available to customers upon request, and
22 post on its Internet website ~~web-site~~ information concerning
23 the service obligations of water and sewer utilities and
24 remedies that a customer may pursue for a violation of the
25 customer's rights. The information shall specifically address

1 the rights of a customer of a water or sewer utility in the
2 following situations:

3 (1) The customer's water meter is replaced.

4 (2) The customer's bill increases by more than 50%
5 within one billing period.

6 (3) The customer's water service is terminated.

7 (4) The customer wishes to complain after receiving a
8 termination of service notice.

9 (5) The customer is unable to make payment on a billing
10 statement.

11 (6) A rate is filed, including without limitation a
12 surcharge or annual reconciliation filing, that will
13 increase the amount billed to the customer.

14 (7) The customer is billed for services provided prior
15 to the date covered by the billing statement.

16 (8) The customer is due to receive a credit.

17 Each billing statement issued by a water or sewer utility
18 shall include an Internet website ~~web-site~~ address where the
19 customer can view the information required under this
20 subsection (a) and a telephone number that the customer may
21 call to request a copy of the information.

22 (b) A water or sewer utility may discontinue service only
23 after it has mailed or delivered by other means a written
24 notice of discontinuance substantially in the form of Appendix
25 A of 83 Ill. Adm. Code 280. The notice must include the
26 Internet website ~~web-site~~ address where the customer can view

1 the information required under subsection (a) and a telephone
2 number that the customer may call to request a copy of the
3 information. Any notice required to be delivered or mailed to a
4 customer prior to discontinuance of service shall be delivered
5 or mailed separately from any bill. Service shall not be
6 discontinued until at least 5 days after delivery or 8 days
7 after the mailing of this notice. Service shall not be
8 discontinued and shall be restored if discontinued for the
9 reason which is the subject of a dispute or complaint during
10 the pendency of informal or formal complaint procedures of the
11 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or
12 280.170, where the customer has complied with those rules.
13 Service shall not be discontinued and shall be restored if
14 discontinued where a customer has established a deferred
15 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has
16 not defaulted on such agreement. Residential customers who are
17 indebted to a utility for past due utility service shall have
18 the opportunity to make arrangements with the utility to retire
19 the debt by periodic payments, referred to as a deferred
20 payment agreement, unless this customer has failed to make
21 payment under such a plan during the past 12 months. The terms
22 and conditions of a reasonable deferred payment agreement shall
23 be determined by the utility after consideration of the
24 following factors, based upon information available from
25 current utility records or provided by the customer or
26 applicant:

- 1 (1) size of the past due account;
- 2 (2) customer or applicant's ability to pay;
- 3 (3) customer or applicant's payment history;
- 4 (4) reason for the outstanding indebtedness; and
- 5 (5) any other relevant factors relating to the
- 6 circumstances of the customer or applicant's service.

7 A residential customer shall pay a maximum of one-fourth of the
8 amount past due and owing at the time of entering into the
9 deferred payment agreement, and the water or sewer utility
10 shall allow a minimum of 2 months from the date of the
11 agreement and a maximum of 12 months for payment to be made
12 under a deferred payment agreement. Late payment charges may be
13 assessed against the amount owing that is the subject of a
14 deferred payment agreement.

15 (c) A water or sewer utility shall provide notice as
16 required by subsection (a) of Section 9-201 after the filing of
17 each information sheet under a purchased water surcharge,
18 purchased sewage treatment surcharge, or qualifying
19 infrastructure plant surcharge. The utility also shall post
20 notice of the filing in accordance with the requirements of 83
21 Ill. Adm. Code 255. Unless filed as part of a general rate
22 increase, notice of the filing of a purchased water surcharge
23 rider, purchased sewage treatment surcharge rider, or
24 qualifying infrastructure plant surcharge rider also shall be
25 given in the manner required by this subsection (c) for the
26 filing of information sheets.

1 (d) Commission rules pertaining to formal and informal
2 complaints against public utilities shall apply with full and
3 equal force to water and sewer utilities and their customers,
4 including provisions of 83 Ill. Adm. Code 280.170, and the
5 Commission shall respond to each complaint by providing the
6 consumer with a copy of the utility's response to the complaint
7 and a copy of the Commission's review of the complaint and its
8 findings. The Commission shall also provide the consumer with
9 all available options for recourse.

10 (e) Any refund shown on the billing statement of a customer
11 of a water or sewer utility must be itemized and must state if
12 the refund is an adjustment or credit.

13 (f) Water service for building construction purposes. At
14 the request of any municipality or township within the service
15 area of a public utility that provides water service to
16 customers within the municipality or township, a public utility
17 must (1) require all water service used for building
18 construction purposes to be measured by meter and subject to
19 approved rates and charges for metered water service and (2)
20 prohibit the unauthorized use of water taken from hydrants or
21 service lines installed at construction sites.

22 (g) Water meters.

23 (1) Periodic testing. Unless otherwise approved by the
24 Commission, each service water meter shall be periodically
25 inspected and tested in accordance with the schedule
26 specified in 83 Ill. Adm. Code 600.340, or more frequently

1 as the results may warrant, to insure that the meter
2 accuracy is maintained within the limits set out in 83 Ill.
3 Adm. Code 600.310.

4 (2) Meter tests requested by customer.

5 (A) Each utility furnishing metered water service
6 shall, without charge, test the accuracy of any meter
7 upon request by the customer served by such meter,
8 provided that the meter in question has not been tested
9 by the utility or by the Commission within 2 years
10 previous to such request. The customer or his or her
11 representatives shall have the privilege of witnessing
12 the test at the option of the customer. A written
13 report, giving the results of the test, shall be made
14 to the customer.

15 (B) When a meter that has been in service less than
16 2 years since its last test is found to be accurate
17 within the limits specified in 83 Ill. Adm. Code
18 600.310, the customer shall pay a fee to the utility
19 not to exceed the amounts specified in 83 Ill. Adm.
20 Code 600.350(b). Fees for testing meters not included
21 in this Section or so located that the cost will be out
22 of proportion to the fee specified will be determined
23 by the Commission upon receipt of a complete
24 description of the case.

25 (3) Commission referee tests. Upon written application
26 to the Commission by any customer, a test will be made of

1 the customer's meter by a representative of the Commission.
2 For such a test, a fee as provided for in subsection (g) (2)
3 shall accompany the application. If the meter is found to
4 be registering more than 1.5% fast on the average when
5 tested as prescribed in 83 Ill. Adm. Code 600.310, the
6 utility shall refund to the customer the amount of the fee.
7 The utility shall in no way disturb the meter after a
8 customer has made an application for a referee test until
9 authority to do so is given by the Commission or the
10 customer in writing.

11 (h) Water and sewer utilities; low usage. Each public
12 utility that provides water and sewer service must establish a
13 unit sewer rate, subject to review by the Commission, that
14 applies only to those customers who use less than 1,000 gallons
15 of water in any billing period.

16 (i) Water and sewer utilities; separate meters. Each public
17 utility that provides water and sewer service must offer
18 separate rates for water and sewer service to any commercial or
19 residential customer who uses separate meters to measure each
20 of those services. In order for the separate rate to apply, a
21 combination of meters must be used to measure the amount of
22 water that reaches the sewer system and the amount of water
23 that does not reach the sewer system.

24 (j) Each water or sewer public utility must disclose on
25 each billing statement any amount billed that is for service
26 provided prior to the date covered by the billing statement.

1 The disclosure must include the dates for which the prior
2 service is being billed. Each billing statement that includes
3 an amount billed for service provided prior to the date covered
4 by the billing statement must disclose the dates for which that
5 amount is billed and must include a copy of the document
6 created under subsection (a) and a statement of current
7 Commission rules concerning unbilled or misbilled service.

8 (k) When the customer is due a refund resulting from
9 payment of an overcharge, the utility shall credit the customer
10 in the amount of overpayment with interest from the date of
11 overpayment by the customer. The rate for interest shall be at
12 the appropriate rate determined by the Commission under 83 Ill.
13 Adm. Code 280.70.

14 (l) Water and sewer public utilities; subcontractors. The
15 Commission shall adopt rules for water and sewer public
16 utilities to provide notice to the customers of the proper kind
17 of identification that a subcontractor must present to the
18 customer, to prohibit a subcontractor from soliciting or
19 receiving payment of any kind for any service provided by the
20 water or sewer public utility or the subcontractor, and to
21 establish sanctions for violations.

22 (m) Water and sewer public utilities; unaccounted-for
23 water. By December 31, 2006, each water public utility shall
24 file tariffs with the Commission to establish the maximum
25 percentage of unaccounted-for water that would be considered in
26 the determination of any rates or surcharges. The rates or

1 surcharges approved for a water public utility shall not
2 include charges for unaccounted-for water in excess of this
3 maximum percentage without well-documented support and
4 justification for the Commission to consider in any request to
5 recover charges in excess of the tariffed maximum percentage.

6 (n) Rate increases; public forums. When any public utility
7 providing water or sewer service proposes a general rate
8 increase, in addition to other notice requirements, the water
9 or sewer public utility must notify its customers of their
10 right to request a public forum. A customer or group of
11 customers must make written request to the Commission for a
12 public forum and must also provide written notification of the
13 request to the customer's municipal or, for unincorporated
14 areas, township government. In the event of such a request, the
15 ~~The Commission shall, at its discretion, may~~ schedule the
16 public forum. If ~~it is determined that~~ public forums are
17 required for multiple municipalities or townships, then the
18 Commission shall schedule these public forums, in locations
19 within approximately 45 minutes drive time of the
20 municipalities or townships for which the public forums have
21 been scheduled. The public utility must provide advance notice
22 of 30 days for each public forum to the governing bodies of
23 those units of local government affected by the increase. The
24 day of each public forum shall be selected so as to encourage
25 the greatest public participation. Each public forum will begin
26 at 7:00 p.m. Reports and comments made during or as a result of

1 each public forum shall be transcribed and placed on the
2 Commission's electronic docketing system for review by all of
3 the parties, and the Commission shall notify all parties of the
4 transcript's availability. The transcript shall become part of
5 the record for decision, and must be made available to the
6 hearing officials and reviewed when drafting a recommended or
7 tentative decision, finding or order pursuant to Section 10-111
8 of this Act. The transcript must be reviewed by the full
9 Commission before all relevant votes of the Commission.

10 (Source: P.A. 94-950, eff. 6-27-06.)

11 (220 ILCS 5/9-223) (from Ch. 111 2/3, par. 9-223)

12 Sec. 9-223. Fire protection charge.

13 (a) The Commission may authorize any public utility engaged
14 in the production, storage, transmission, sale, delivery or
15 furnishing of water to impose a fire protection charge, in
16 addition to any rate authorized by this Act, sufficient to
17 cover a reasonable portion of the cost of providing the
18 capacity, facilities and the water necessary to meet the fire
19 protection needs of any municipality or public fire protection
20 district. Such fire protection charge shall be in the form of a
21 fixed amount per bill and shall be shown separately on the
22 utility bill of each customer of the municipality or fire
23 protection district. Additionally, all revenue from cell phone
24 towers operating on utility property, and all revenue from all
25 other contracts or arrangements for use of utility property,

1 shall be used to directly offset such a charge in the fire
2 district where the utility property is located. Any filing by a
3 public utility to change a fire protection charge, a water
4 rate, or a sewer rate shall separately identify all revenues
5 described in this Section, including the total amount of
6 revenue received for use of utility property in each fire
7 district. Any filing by a public utility to impose such a fire
8 protection charge or to modify a charge shall be made pursuant
9 to Section 9-201 of this Act. Any fire protection charge
10 imposed shall reflect the costs associated with providing fire
11 protection service for each municipality or fire protection
12 district. No such charge shall be imposed directly on any
13 municipality or fire protection district for a reasonable level
14 of fire protection services unless provided for in a separate
15 agreement between the municipality or the fire protection
16 district and the utility.

17 (b) (Blank). ~~By December 31, 2007, the Commission shall~~
18 ~~conduct at least 3 public forums to evaluate the purpose and~~
19 ~~use of each fire protection charge imposed under this Section.~~
20 ~~At least one forum must be held in northern Illinois, at least~~
21 ~~one forum must be held in central Illinois, and at least one~~
22 ~~forum must be held in southern Illinois. The Commission must~~
23 ~~invite a representative from each municipality and fire~~
24 ~~protection district affected by a fire protection charge under~~
25 ~~this Section to attend a public forum. The Commission shall~~
26 ~~report its findings concerning recommendations concerning the~~

1 ~~purpose and use of each fire protection charge to the General~~
2 ~~Assembly no later than the last day of the veto session in~~
3 ~~2008.~~

4 (Source: P.A. 94-950, eff. 6-27-06.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".